IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

WRIT PETITION LD.NO.2544 OF 2004

Lachman Satramdas Pardasaney. ...Petitioner.
Vs.
The Advocate General of the
State of Maharashtra & Ors. ...Respondents.
....

Mr. Y.S. Jahagirdar, Senior Advocate with K.N. Kore for the Petitioner.
Mr. R. M. Sawant, Govt. Pleader for the Respondents.
.....

CORAM : DALVEER BHANDARI, C.J. &
DR.D.Y.CHANDRACHUD, J.

October 25, 2004.

P.C.:

The Petitioner has impugned in these proceedings, an order dated 15th June 2004 passed by the Advocate General of Maharashtra, declining to grant consent under Section 15 of the Contempt of Courts Act, 1971. The Advocate General has adverted to the application filed by the Petitioner on 8th June 2004 and the impugned order states that the annexures thereto including, in particular, the order of a Learned Single Judge

(Khandeparkar, J.) of this Court, dated 5th March 2004, have been perused. By the aforesaid order, the Learned Single Judge came to the conclusion that the Petitioner has failed to establish that there was any breach or non-compliance of an order dated 31st January 2001 passed in Suit No.621 of 2001 which is pending on the Original Side as between the Petitioner and the Third Respondent. The impugned order of the Advocate General has adverted to the averments in paragraphs 10, 11 and 12 of the draft Contempt Petition. The Advocate General has come to the conclusion that a case for criminal contempt has not been made out.

In a matter such as the present, it was only to be expected that the Petitioner ought to have placed on the record of these proceedings, all the material which was produced before the Advocate General, including, in particular, the application dated 8th June 2004 and the draft Contempt Petition. Be that as it may, Counsel appearing for the Petitioner has been unable to demonstrate before the Court as to how the reasons that have weighed with the Advocate General in declining to grant his consent under Section 15 of the Act are erroneous. No case for

invocation of the writ jurisdiction under Article 226 has been made out. The petition is accordingly dismissed.

CHIEF JUSTICE

DR.D.Y.CHANDRACHUD, J.